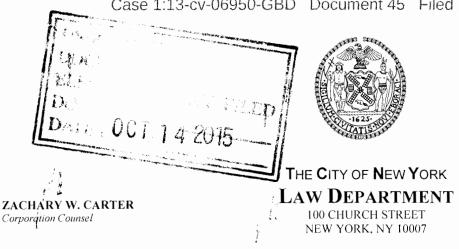
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October 13, 2015

Via ECF & Via Fax at (212) 805-6737

Honorable George B. Daniels United States District Judge United States District Court Southern District of New York 500 Pearl Street New York, New York 10007

SO ORDERED:

Re: Giordano-Forkan, Rose vs. the City of New York, et al.

Docket No. 13 Civ. 06950 (GBD)

Third Application for Adjustment of Summary Judgment Briefing

Schedule

Dear Judge Daniels:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel for the City of New York, attorney for the defendants in the above-captioned action. Pursuant to Your Honor's Motion and Individual Practices, Rule 2.F, defendants write to request a final enlargement of time to serve and file their anticipated motion for summary judgment.

Defendants' anticipated motion for summary judgment is currently due to be filed on or before Friday, October 16, 2015, Your Honor having granted defendants' earlier applications, made on September 16th and September 30th, respectively, on consent, for two consecutive, two-week extensions of time to serve their summary judgment motion, originally due on September 18, 2015.

Defendants now seek a final modification of the briefing schedule such that they might serve their motion two weeks later, on Friday, October 30, 2015, as the parties continue their negotiations regarding settlement. Defendants discussed their proposed application to adjust the briefing schedule this evening with counsel for plaintiff, who offered his consent to the instant application.

Defendants accordingly propose the following adjusted briefing schedule:

Defendants' anticipated summary judgment motion papers to be served on or before Friday, October 30, 2015;

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- Plaintiff's opposition to defendants' anticipated summary judgment motion to be served on or before Monday, November 24, 2015;
- Defendants' reply, if any, to be served on or before Monday, December 15, 2015.

Since I last wrote to the Court on September 30th, the parties have continued their discussions regarding settlement through the mediator, Albert M. Appel, Esq., of Stroock & Stroock & Lavan LLP. As described in my September 30th letter, on Monday, September 28th, Mr. Appel conveyed plaintiff's most recent demand for settlement to this office, and defendants have considered the demand and are preparing a response, in conjunction with the Office of the Comptroller. My most recent conversation with Mr. Appel took place this afternoon, and I expect productive negotiations to continue over the next few weeks.

Both parties remain hopeful that resolution may be a possibility in this matter, and hope to finalize their discussions of settlement before filing briefs on the anticipated summary judgment motion.

I thank the Court for its consideration of this request.

Respectfully submitted, /s/

Stephen P. Pischl Senior Counsel

cc: Bryan D. Glass, Esq. (by ECF) Glass Krakower LLP Attorney for Plaintiff